

**Claim rejections under 35 U.S.C. §102(b)**

Focusing in particular on Claim 1, in one embodiment of the Applicant's invention a floating gate transistor is disclosed having: (1) a pillar of semiconductor material forming a source region, a body region, and a drain region; (2) a floating gate along one side of the pillar; and (3) a control gate overlaying the floating gate.

Forbes does not teach a floating gate transistor wherein a control gate overlays a floating gate. Rather, Forbes discloses a transistor wherein the control gate is adjacent to the floating gate. With particular reference to Figure 3A through Figure 4, Forbes depicts the control gate being adjacent to a side of the floating gate. Column 11, lines 5-7 also state that "[c]ontrol gates are formed between opposing floating gates . . . and separated therefrom by the intergate dielectric." Forbes does not use language or depict embodiments suggesting a transistor having a control gate that overlays the floating gate.

Because the reference cited by the Examiner does not disclose, teach or suggest a floating gate transistor wherein the control gate overlays the floating gate, Applicant asserts that Claim 1 is not anticipated by Forbes. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited reference and respectfully requests allowance of Claim 1.

Independent Claims 9 and 20 are believed to be patentable for the different aspects recited therein.

Claims 2-8, 10-19 and 21-22, which depend from Claims 1, 9 and 20 respectively, are believed to be patentable because of the additional features recited therein.

**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

**CONCLUSION**

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

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